

Court No. - 86

Case :- APPLICATION U/S 482 No. - 43468 of 2023

Applicant :- Yashveer Singh

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Kaushlendra

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

1. Shri Ishwar Chandra Srivastava, Advocate holding has filed his vakalatnama as well as short counter on behalf of opposite party no.2 today in Court, which is taken on record.

2. Heard learned counsel for the applicant, learned AGA for the State, Shri Ishwar Chandra Srivastava, learned counsel for opposite party no.2 and perused the record.

3. This application under Section 482 Cr.P.C. has been filed with the prayer to quash entire proceedings of Case No. 6206 of 2022 (State Vs. Yashveer), arising out of Case Crime No.359 of 2021, under Sections 323, 504 and 506 IPC, Police Station Malpura, District Agra, pending in the court of Additional Chief Judicial Magistrate, Court No.4, Agra.

4. Learned counsel for the applicant has submitted that on account of matrimonial discord, the instant criminal case was instituted against the applicants, however subsequently, with the intervention of respected members of the family and society, the parties have amicably and genuinely settled their all disputes and differences in order to maintain harmonious and cordial relations between them and now, they do not have any grievance against each other.

5. Learned counsel for the applicant has next drawn the attention of this Court to the compromise application dated 19.08.2023 supported by an affidavit drawn between the parties, a copy of which has been annexed as Annexure-4 to this application.

6. Learned counsel for the applicant has next submitted in view of the said compromise made between the parties, the

applicant and opposite party no.2 have been living together as husband and wife and leading a happy married life along with their children.

7. Learned counsel for the applicant has next submitted that in view of the said compromise and in order to maintain harmonious and cordial relations between the husband and wife, entire proceedings against the applicant be quashed.

8. Learned counsel for opposite party no.2 has also appeared and has filed a short counter affidavit and in paragraph 2 of the said affidavit, the factum of said compromise has been acknowledged and it has been stated that the said compromise has been made without any coercion, threat or undue influence and the applicant and opposite party no.2 have been living together as husband and wife and leading a happy married life along with their children. It has been further stated in paragraph 4 of the said affidavit that opposite party no.2 has no objection if the entire proceedings are quashed.

9. Learned AGA could not dispute the aforesaid facts.

10. This Court is not unmindful of the judgements of the Apex Court in the cases of:-

(i). B.S. Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675.

(ii). Nikhil Merchant Vs. Central Bureau of Investigation [2008] 9 SCC 677].

(iii). Manoj Sharma Vs. State and others (2008) 16 SCC 1.

(iv). Gian Singh Vs. State of Punjab (2012) 10 SCC 303.

(v). Narindra Singh and others Vs. State of Punjab (2014) 6 SCC 466.

Wherein the Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non compoundable offences. Reference may also be made to the decision given by this Court in ***Shaifullah and others Vs. State of U.P. and another [2013 (83) ACC 278]***, in which, law expounded by Hon'ble Apex Court in the aforesaid cases has been

explained in detail.

11. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by learned counsel for the parties, this Court is of the considered opinion that no useful purpose would be served by prolonging the proceedings of the above mentioned case.

12. Accordingly, the entire proceedings of Case No. 6206 of 2022 (State Vs. Yashveer), arising out of Case Crime No.359 of 2021, under Sections 323, 504 and 506 IPC, Police Station Malpura, District Agra, pending in the court of Additional Chief Judicial Magistrate, Court No.4, Agra, are hereby quashed.

13. This application under Section 482 CrPC is accordingly **allowed.**

Order Date :- 6.12.2023

Subham